

## REMARKS

### I. Summary of the Office Action

In the Office Action mailed on April 19, 2007, the Examiner: (1) objected to the specification for informalities, (2) objected to claim 72 for informalities, (3) rejected claims 42-80 under 35 U.S.C. § 112 as being indefinite, (4) rejected claims 72-80 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, (5) rejected claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78 under 35 U.S.C. § 103(a) as being unpatentable over Eisenstein et al., "Applying Model-Based Techniques to the Development of UIs for Mobile Computers," 2001 (hereinafter "Eisenstein") in view of Puerto et al., "Towards a General Computational Framework for Model-Based Interface Development Systems," 1999 (hereinafter "Puerta"), (6) rejected claims 46-48, 56-58, 66-68, and 75-77 under 35 U.S.C. § 103(a) as unpatentable over Eisenstein in view of Puerto and further in view of U.S. Patent No. 6,243,713 to Nelson (hereinafter "Nelson"), (7) rejected claims 50, 60, 70, and 79 under 35 U.S.C. § 103(a) as unpatentable over Eisenstein in view of Puerto and further in view of "Resource Description Framework (RDF) Model and Syntax," 1997 (hereinafter "RDF1997"), and (8) rejected claims 51, 61, 71, and 80 under 35 U.S.C. § 103(a) as unpatentable over Eisenstein in view of Puerto and further in view of "Extensible Markup Language (XML) 1.0," 1998 (hereinafter "XML1998").

Applicants respectfully submit that the present response addresses all the objections and rejections set forth by the Examiner and places the application in condition for allowance.

### II. Status of the Claims

Presently pending are claims 42 - 80, of which claims 42, 52, 62, and 72 are independent and the remainder are dependent. Applicants have previously cancelled claims 1-41 without prejudice and reserve the right to pursue these claims in a continuing application. Further, Applicants have amended claims 42, 46, 52, 56, 62, 66, 72, and 75 in order to expedite allowance. No new matter has been added. Applicants submit that claims 42-80 are in condition for allowance and respectfully request notice to this effect.

### **III. Responses to the Objections**

#### **A. Response to the Objection to the Specification**

The Examiner objected to the specification for lack of an explanation or reference to the submitted appendix. Applicants have amended the specification to include an explanation and reference to the appendix. Accordingly, Applicants request that the Examiner withdraw the objection to the specification.

#### **B. Response to the Objection to Claim 72**

The Examiner objected to claim 72 for informalities. In particular, the Examiner suggested a the “computer readable media” limitation was a typographical error. Applicants have amended claim 72 to correct to read “A computer readable medium...” Applicants submit that this amendment overcomes the objection and note that this amendment does not change the scope of the invention. Therefore, Applicants request that the Examiner withdraw the objection to claim 72.

### **IV. Responses to the Rejections**

#### **A. Response to the 35 U.S.C. § 101 Rejection**

The Examiner rejected claims 72-80 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner alleged that the limitation “computer readable medium *with* instructions” could be interpreted as computer readable media transmitting instructions. (emphasis added) Applicants have amended claim 72 to recite “computer readable medium *comprising* instructions.” (emphasis added) Thus, Applicants submits that it is clear that the computer readable medium includes (rather than merely transmitting) instructions. Therefore, Applicants submit that claims 72-80 are directed to patentable subject matter and request the Examiner withdraw the rejection under § 101.

#### **B. Response to the 35 U.S.C. § 112 Rejection**

The Examiner rejected claims 42-80 under 35 U.S.C. § 112 as being indefinite as lacking antecedent basis. Applicants have amended claims 42, 46, 52, 56, 62, 66, 72, and 75. Applicants submit that the amendments overcome the Examiner’s rejection and resolve any ambiguity in the claims. Therefore Applicants request that the § 112 rejection be withdrawn.

**C. Response to the 35 U.S.C. § 103(a) Rejection to Claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78**

The Examiner rejected claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78 under 35 U.S.C. § 103(a) as being unpatentable over Eisenstein in view of Puerta. Applicants respectfully submit that claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78 are non-obvious and allowable. In order to establish a prima facie case of obviousness the prior art references must teach or suggest all claimed limitations. See MPEP § 2143. Applicant submits that the combination of Eisenstein and Puerta does not teach or suggest the above described features of claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78. At the least, Eisenstein and Puerta do not disclose or suggest Applicants' disclosed device model, which captures the specifications and characteristics of the interaction delivery devices used to deliver the user interfaces.

In the Office Action, the Examiner alleged that Eisenstein's disclosed platform model was equivalent to the claimed device model. According to Eisenstein, a "platform model describes the various computer systems that may run a UI... The platform model contains an element for each platform that is supported, and each element contains attributes describing features and constraints." (Eisenstein at 70) As examples of platforms, Eisenstein lists palmtop computers, laptop computers, and desktop computers.

In contrast, Applicant's device model characterizes interaction delivery devices to support a UI. Quite simply, Eisenstein has nothing to do with interaction delivery devices. The Applicant's interaction delivery devices include, for example, specifications and characteristics of interactive delivery devices that may be used to deliver a UI being designed, when the UI is invoked by an application. These specifications may include capabilities and modalities that are supported by the available interaction delivery devices relevant to the application. The capabilities may include bandwidth, memory, screen, line of display, width of display, illumination, etc. The modalities may include visual, audible, etc. (See Applicants' Specification, par. 0039)

While Eisenstein's platform model focuses on computer systems used to present the UI to the user, it in no way involves delivery of the UI or modalities employed by the UIs. Therefore, Eisenstein does not disclose or suggest Applicants' device model.

Moreover, Puerta does not disclose this deficiency in Eisenstein. Specifically, Puerta never contemplates interaction delivery devices used to deliver a UI from the serving system to the end-user. At best, Puerta discloses methods of coordinating tasks on the system serving up a UI. Therefore, Applicants submit that Puerta fails to describe Applicants' device model involving

interaction delivery devices, and therefore does not overcome the shortcomings of Eisenstein. For at least this reason, the combination of Eisenstein and Puerta does not render claim 42 obvious.

In addition, independent claims 52, 62, and 72 also disclose interaction delivery devices. Thus, for the same reasons as described in reference to claim 42, the combination of Eisenstein and Puerta does not render any of claims 52, 62, and 72 obvious,

Therefore, independent claims 42, 52, 62, and 72 are non-obvious and allowable. Further, because claims 43 – 51 depend from claim 42, claims 53 – 61 depend from claim 52, claims 63 – 71 depend from claim 62, and claims 73 – 80 depend from claim 72, Applicants claims 43 – 51, 53 – 61, 63 – 71, and 73 – 80 are at the least allowable as being dependent upon an allowable claim. Therefore, Applicants request that the 103(a) rejection of claims 42-45, 49, 52-55, 59, 62-65, 72-74, and 78 be withdrawn.

**D. Response to the 35 U.S.C. § 103(a) Rejection to Claims 46 – 48, 56 – 58, 66 – 68, and 75 – 77**

The Examiner rejected claims 46 – 48, 56 – 58, 66 – 68, and 75 – 77 under 35 U.S.C. § 103(a) as being unpatentable over Eisenstein in view of Puerta and in further view of Nelson. Applicants submit that at the least, Nelson fails to describe Applicants' device model involving interaction delivery services and therefore does not overcome the shortcomings of Eisenstein and Puerta.

Nelson describes multimedia document retrieval by application of multimedia queries to a unified index of multimedia data for a plurality of multimedia data types. (See Nelson, Abstract) Quite in contrast, Applicants' device model describes interaction delivery devices used to deliver user interfaces to an end-user. Therefore, Nelson fails to contemplate Applicants' device model involving interaction delivery devices.

Because the combination of Eisenstein, Puerta, and Nelson does not disclose or suggest a device model involving interaction delivery devices, Applicants submit that claims 46 – 48, 56 – 58, 66 – 68, and 75 – 77 are non-obvious and allowable. Therefore, Applicants request that the 103(a) rejection of claims 46 – 48, 56 – 58, 66 – 68, and 75 – 77 be withdrawn.

**E. Response to the 35 U.S.C. § 103(a) Rejection to Claims 50, 60, 70, and 79**

The Examiner rejected claims 50, 60, 70, and 79 under 35 U.S.C. § 103(a) as being unpatentable over Eisenstein in view of Puerta and in further view of RDF1997. Applicants submit that at the least, RDF1997 fails to describe Applicants' device model involving interaction delivery services and therefore does not overcome the shortcomings of Eisenstein and Puerta.

RDF1997 describes RDF metadata and its ability to be applied in a variety of application areas. (See RDF1997, Section 1) Quite in contrast, Applicants' device model describes interaction delivery devices used to deliver user interfaces to an end-user. Therefore, RDF1997 fails to contemplate Applicants' device model involving interaction delivery devices.

Because the combination of Eisenstein, Puerta, and RDF1997 does not disclose or suggest a device model involving interaction delivery devices, Applicants submit that claims 50, 60, 70, and 79 are non-obvious and allowable. Therefore, Applicants request that the 103(a) rejection of claims 50, 60, 70, and 79 be withdrawn.

**F. Response to the 35 U.S.C. § 103(a) Rejection to Claims 51, 61, 71, and 80**

The Examiner rejected claims 51, 61, 71, and 80 under 35 U.S.C. § 103(a) as being unpatentable over Eisenstein in view of Puerta and in further view of XML1998. Applicants submit that at the least, XML1998 fails to describe Applicants' device model involving interaction delivery services and therefore does not overcome the shortcomings of Eisenstein and Puerta.

XML1998 describes Extensible Markup Language (XML) and its ability to partially describe the behavior of computer programs which process XML documents. (See XML1998, Section 1.1) Quite in contrast, Applicants' device model describes interaction delivery devices used to deliver user interfaces to an end-user. Therefore, XML1998 fails to contemplate Applicants' device model involving interaction delivery devices.

Because the combination of Eisenstein, Puerta, and XML1998 does not disclose or suggest a device model involving interaction delivery devices, Applicants submit that claims 51, 61, 71, and 80 are non-obvious and allowable. Therefore, Applicants request that the 103(a) rejection of claims 51, 61, 71, and 80 be withdrawn.

#### IV. CONCLUSION

Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at (312) 913-2104.

Respectfully submitted,

Dated: October 19, 2007

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